IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 3088 of 1996

LALA & ORS
V/S
B.O.R. AJMER & ORS

Mr. JK BHAIYA, for the appellant / petitioner

Mr. DILIP KAWADIA, OP BOOB, AGA, for the respondent

Date of Order : 10.12.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

This writ petition has been filed by the petitioner, who had filed an application under Rule 14(4) of the Rajasthan Land Revenue (Allotment of Government Land) Rules, 1970 for cancellation of allotment of land, made in favour of the private respondent Gokla. On this application, proceedings were initiated by the learned Collector, and the Collector vide order dated 4.8.95 (Annex.3) cancelled the allotment, on the ground, that no file regarding allotment of the land is available, as informed by the Sub-Divisional Officer, and that, there is no entry in the proceeding register, about the allotment. Thus it was concluded, that had any allotment been made, some entry must have been there, and therefore, the allotment has been found to be fake. Against this order, the allottee, the private respondent filed appeal before

the Revenue Appellate Authority, which was allowed vide judgment dated 13.12.95 (Annex.6). Learned Revenue Appellate Authority again requisitioned the record, and found, that the file is very much there, proceedings are also very much there, and that, at that time, some 221 applications were received, from out of them 67 landless persons were allotted land, and 140 bighas of land was allotted, which included allotment of land to the present petitioner himself also. Thus, it cannot be said that the allotment proceedings are fake, or that the present petitioner did not come to know of the allotment. It was also found, that in such circumstances, the Collector should not have set aside the allotment in hot haste, without making appropriate efforts to requisition the record. Against this order, the petitioner filed a revision, which has been dismissed by the Board of Revenue, holding it to be not maintainable, in view of a larger bench judgment of the Board of Revenue, in Hanuman Singh Vs. Jagdish Chandra reported in 1995 RRD 172.

I have heard learned counsel for the parties and have perused the impugned orders.

In my view, I need not go into the question, about the right of the petitioner to maintain the revision before the Board of Revenue, as instead of going into this technicality; I thought it appropriate to consider the

matter on merits itself. On the matter being so considered on merits, what is writ large is the glaring circumstance, viz. that the allotment was made in Majma-e-Aam after proper publication, and the allotments were made in Special Revenue Campaigns, and secondly on the same day, on which the allotment was made to the respondent Gokla, allotment of land was also made to the petitioner Lala. Obviously, in the application filed under Rule 14(4), being Annex.1, which is supported by the affidavit of Lala, he has not disclosed, that on that day, the land was allotted to him also, and has deposed that no file was prepared regarding allotment, no proclamation was issued, no opinion was given, and the learned SDO has made allotment on his own, and it has also been deposed, that the land is in his possession for the last 40 years; while as the things have come on the record of the Appellate Authority, that the allotment was made in Majma-e-Aam, at which time, the present petitioner was also not only present, rather land was allotted to him also, which is a million dollar circumstance to negative the contentions as raised in the affidavit and the application. In these circumstances, in my view, the order of the learned Revenue Appellate Authority, and consequently, the order of the Board of Revenue do not suffer from any infirmity, requiring interference under Article 226 jurisdiction.

The writ petition is, therefore, dismissed. The

parties are left to bear their own costs.

(N P GUPTA),J.

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